

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KIRK L. WILLIAMS,

Petitioner,

v.

MARK NOOTH,

Respondent.

3:10-cv-00070-ST

ORDER

Nell Brown
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Portland, OR 97204

Attorney for Petitioner

Andrew D. Hallman
Oregon Department of Justice
CCR Section
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Attorney for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Janice M. Stewart issued a Findings and Recommendation (doc. #74) on March 21, 2013. The Magistrate Judge recommends the Amended Petition for Writ of Habeas Corpus (doc. #20) be denied, and a judgment should be entered dismissing this case with prejudice. The Magistrate Judge also recommends that I issue a Certificate of Appealability as to all claims petitioner argues on the basis that he has made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

This matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and rule 72(b) of the Federal Rules of Civil Procedure. When any party objects to any portion of the Magistrate Judge's F&R, as here, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

CONCLUSION

The court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #74). Accordingly, the Amended Petition for Writ of Habeas Corpus (doc. #20) is denied, and this case is dismissed with prejudice. I, however, issue a Certificate of Appealability as to all claims petitioner argues on the basis that he has made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 15 day of April, 2013.


MARCO A. HERNANDEZ
United States District Judge